

## REMARKS

### In the Specification

The changes suggested by the Examiner have been made. Withdrawal of the objection is respectfully requested.

### Claim Objection

Claims 43 and 49 have been objected to due to informalities. Claims 43 has been rewritten. Claim 49 has been amended as suggested by the Examiner. Accordingly, withdrawal of the objection is respectfully requested.

### 102 rejection

Claims 30-60 have been rejected under 35 USC 102(e) as being anticipated by Hashimoto et al. (US6564445).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claims 30 and 33 have been amended to require that a continuously planar portion of the etch stop layer is coextensive with and extends beyond the at least one of the upper surface and a lower surface of the pole tip structure in a direction parallel to a plane of deposition of the etch stop layer and parallel to an air bearing surface of the head. Support for this amendment is found in Figs. 5E and 6F of the present application.

In sharp contrast, in each and every embodiment of Hashimoto, layer 12 follows the contours of a projection 11 in the vicinity of the upper pole tip 15, which is precisely formed above the resulting pedestal. See, e.g., Hashimoto Figs. 24B, 24C,

29A (cited in the rejection). Such a structure requires additional processing to form the projection 11, and formation of the upper pole tip 15 on the resulting narrow pedestal requires very precise alignment.

Applicants' invention as claimed in claims 30 and 33 is superior to that disclosed in Hashimoto in that fewer fabrication steps may be required. Further, because the claimed pole tip layer is not formed above a pedestal, less precision is necessary.

Accordingly, by virtue of the amendments made to claims 30 and 33, each and every limitation is not found in Hashimoto. Withdrawal of the rejection and allowance of claims 30 and 33 is respectfully requested.

Claims 31 and 32 have been amended to require that a continuously planar portion of the etch stop layer is coextensive with and extends beyond the at least one of the upper surface and a lower surface of the portion of the pole (that tapers together towards the etch stop layer) in a direction parallel to a plane of deposition of the etch stop layer and parallel to an air bearing surface of the head. Support for this amendment is found in Figs. 5E and 6F of the present application.

In sharp contrast, in each and every embodiment of Hashimoto, layer 12 follows the contours of a projection 11 in the vicinity of the pole 15, which is precisely formed above the resulting pedestal. See, e.g., Hashimoto Figs. 24B, 24C, 29A (cited in the rejection). Such a structure requires additional processing to form the projection 11, and formation of the upper pole tip 15 on the resulting narrow pedestal requires very precise alignment.

Accordingly, by virtue of the amendments made to claims 31 and 32, each and every limitation is not found in Hashimoto. Withdrawal of the rejection and allowance of claims 31 and 32 is respectfully requested.

Claims 43, 45-48 and 50-60 depend from claim 30, and therefore incorporate the limitations of claim 30. By virtue of their dependence, claims 43, 45-48 and 50-60 are

also believed to be allowable. Reconsideration and allowance of claims 43, 45-48 and 50-60 is respectfully requested.

Claims 34-42, 44 and 49 depend from claim 31, and therefore incorporate the limitations of claim 31. By virtue of their dependence, claims 34-42, 44 and 49 are also believed to be allowable. Reconsideration and allowance of claims 34-42, 44 and 49 is respectfully requested.

Further, claims 41 and 43 have been amended to claim a planarization stop layer deposited above the transfer layer, wherein an upper surface of the pole tip structure is about coplanar with the planarization stop layer. Support for this amendment is found in FIG. 4 and related description. *See, e.g., p. 11, lines 6-11.*

This feature is not disclosed in Hashimoto.

Should the Examiner wish to discuss this matter further, the Examiner is invited to call the undersigned at (408) 971-2573. For payment of any fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. SJO920020044US1).

Respectfully submitted,

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